

**APPENDIX E:**  
**COMPARISON OF CLAIM 1 OF U.S. PATENT 6,869,605**  
**WITH CLAIMS 195 AND 196 OF THE PRESENT APPLICATION**

'605 Patent	Present Application	Why Claims Interfere
1. A method of inhibiting B-cell growth in an animal comprising the step of	195. A method of inhibiting B lymphocytes comprising	<p>The terms "B-cell" and "B lymphocyte" are interchangeable. <i>See, e.g., Janeway, C. &amp; P. Travers. Immunobiology: The Immune System in Health and Disease, (Current Biology Ltd./Garland Publishing, London) 1994; p. 1:8 (legend to Figure 1.7 which uses the terms "B cell" and "B lymphocyte" interchangeably)(Appendix M).</i> Moreover, the equivalence of "B cell" and "B lymphocyte" is readily apparent from reading the '605 Patent. For example, column 18 of the '605 Patent at lines 55-67, particularly lines 55 and 63 refers to "antigen-specific B lymphocytes" and "antigen-specific B cells" interchangeably. Similarly, column 19 of the '605 Patent at lines 1-6, particularly lines 3 and 6, refers to "B lymphocytes" and "B cells" interchangeably.</p> <p>As of the earliest effective priority date of either application, it was well known in the art that B lymphocytes, when activated, undergo proliferation (growth) and differentiation (maturation) into antibody producing (immunoglobulin producing) B cells. <i>See, e.g., Janeway, C. &amp; P. Travers. Immunobiology: The Immune System in Health and Disease, (Current Biology Ltd./Garland Publishing, London) 1994; pp. 3:38 and 8:2 (legend to Figure 8.1) (Appendix M); and Abbas, A.K. et al., Cellular and</i></p>

'605 Patent	Present Application	Why Claims Interfere
		<p><i>Molecular Immunology</i>, (W.B. Saunders Company, Harcourt Brace Jovanovich, Inc., Philadelphia) 1991; pp. 187 and 189 (Appendix N). Accordingly, the method of inhibiting B-cell growth recited in Claim 1 of the '605 Patent anticipates or renders obvious the method of inhibiting B lymphocytes recited in Claim 195 of the present application, and vice versa.</p>
administering a therapeutically effective amount	administering an effective amount	<p>The administration of a "therapeutically effective amount" or "effective amount" of the recited antibody is the amount sufficient to achieve the desired result. Determination of a "therapeutically effective amount" or an "effective amount" is within the skill in the art.</p>
of an anti-BAFF antibody that binds human BAFF (SEQ ID NO:1),	<p>of an antibody that binds a protein whose amino acid sequence is:</p> <pre> MDDSTEREQS  RLTSCLKKRE EMKLKECVSI  LPRKESPSVR SSKDGKLLAA  TLLLALLSCC LTVVSFYQVA  ALQGDLASLR AELQGHHAEK  LPAGAGAPKA GLEEAPAVTA  GLKIFEPPAP GEGNSSQNSR  NKRAVQGPEE TVTQDCLQLI  ADSETPTIQK GSYTFVPWLL  SFKRGSAL EE KENKILVKET  GYFFIYGQVL YTDKTYAMGH  LIQRKKVHVF GDELSLVTLF  RCIQNMPETL PNNSCYSAGI  AKLEEGDELQ LAIPRENAQI  SLDGDVTFFG ALKLL </pre>	<p>The amino acid sequence of SEQ ID NO:1 of the '605 Patent is identical to the amino acid sequence recited in Claim 195 of the present application (the Proposed Count). See Appendix O. Accordingly, since the target antigens are identical, the antibody recited in Claim 1 of the '605 Patent and Claim 195 of the present application are the same antibody.</p>
wherein B-cell growth in the animal is inhibited.	wherein B lymphocytes are inhibited.	See above discussion regarding the inhibition of B-cells/lymphocytes.

'605 Patent	Present Application	Why Claims Interfere
		<p>Taken together, the subject matter of Claim 1 of the '605 Patent would, if prior art, have anticipated or rendered obvious the subject matter of Claim 195 of the present application and vice versa. Thus, Claim 1 of the '605 Patent and Claim 195 of the present application are directed to interfering subject matter.</p>

<p>1. A method of inhibiting B-cell growth in an animal comprising the step of</p>	<p>196. A method of inhibiting B lymphocyte proliferation comprising</p>	<p>The terms "B-cell" and "B lymphocyte" are interchangeable. See, e.g., Janeway, C. &amp; P. Travers. <i>Immunobiology: The Immune System in Health and Disease</i>, (Current Biology Ltd./Garland Publishing, London) 1994; p. 1:8 (legend to Figure 1.7 which uses the terms "B cell" and "B lymphocyte" interchangeably)(Appendix M). Moreover, the equivalence of "B cell" and "B lymphocyte" is readily apparent from reading the '605 Patent For example, column 18 of the '605 Patent at lines 55-67, particularly lines 55 and 63 refers to "antigen-specific B lymphocytes" and "antigen-specific B cells" interchangeably. Similarly, column 19 of the '605 Patent at lines 1-6, particularly lines 3 and 6, refers to "B lymphocytes" and "B cells" interchangeably.</p> <p>The terms "growth" and "proliferation" are interchangeable. The equivalence of "growth" and "proliferation" is readily apparent from reading the '605 Patent. The</p>
--	--	---

		<p>paragraph bridging columns 17 and 18 of the '605 Patent describes an experiment to test whether BAFF delivers "growth-stimulatory inhibitory signals." The experiment which follows is the results of the "proliferation assay" described at the bottom of column 15 of the '605 Patent. The paragraph bridging columns 17 and 18 of the '605 Patent concludes with "...BAFF functioned as a costimulator of B-cell <i>proliferation</i>." (emphasis added). This paragraph makes it clear that B cell "growth" is equivalent to B cell "proliferation."</p>
administering a therapeutically effective amount	administering an effective amount	<p>The administration of a "therapeutically effective amount" or "effective amount" of the recited antibody is the amount sufficient to achieve the desired result.</p> <p>Determination of a "therapeutically effective amount" or an "effective amount" is within the skill in the art.</p>
of an anti-BAFF antibody that binds human BAFF (SEQ ID NO:1),	of an antibody that binds Neutrokin alpha (SEQ ID NO:2),	<p>The amino acid sequence of SEQ ID NO:1 of the '605 Patent is identical to the amino acid sequence of SEQ ID NO: 2 of the present application. <i>See Appendix O</i>. Accordingly, the antibody recited in Claim 1 of the '605 Patent and Claim 196 of the present application are the same antibody.</p>
wherein B-cell growth in the animal is inhibited.	wherein B lymphocyte proliferation is inhibited.	<p>The inhibition of "B-cell growth" is interchangeable with the inhibition of "B lymphocyte proliferation."</p> <p>Taken together, the subject matter of Claim 1 of the '605 Patent would, if prior art, have anticipated or rendered obvious the subject matter of Claim 196 of the present</p>

		application and vice versa. Thus, Claim 1 of the '605 Patent and Claim 196 of the present application are directed to interfering subject matter.
--	--	---